

REMARKS

Claims 17-26 withdrawn from consideration as being directed to a non-elected invention have been canceled. Applicants reserve the right to file a divisional application directed to the canceled subject matter. In response to the objection, the Abstract has been amended so as not to contain legal phraseology.

In response to the rejection under 35 U.S.C. § 112, second paragraph, the claims have been amended to provide correct antecedent basis.

In response to the rejection under 35 U.S.C. § 101, Applicants present new claim 27 in place of claim 1 which clearly recites the manipulative steps of executing a low power glow discharge and executing a high power glow discharge. Support is found, for example, at page 12, lines 1-30 of the specification. Claims 2-16 have been amended to conform with the amendment to claim 1.

It is respectfully submitted that the claims as amended fully comply with 35 U.S.C. § 112 and §101, and withdrawal of the foregoing objections and rejections is respectfully requested.

Review and reconsideration on the merits are requested.

Claims 1-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,818,310 to Namiki et al.

In response, the present Applicants submit their Declaration under 37 C.F.R. § 1.132, unequivocally stating that they are the inventors of the subject matter of the present invention disclosed but not claimed in U.S. Patent 6,818,310, and thus the disclosure of U.S. Patent 6,818,310 relied upon by the Examiner is not the invention "by another."

See MPEP §716.10.

Strictly speaking, U.S. Patent 6,818,310 based on a PCT application filed on or after November 29, 2000 and published by WIPO in a language other than English has no §102(e) prior art date. However, Applicants Declaration under 37 C.F.R. § 1.132 (attribution) is effective to remove WO 02/092875 (corresponding to U.S. Patent 6,818,310) and the laid-open *koki* of JP 2001-142405, JP 2002-042034 and JP 2002-131424 (the priority applications of U.S. Patent 6,818,310) as prior art under §102(a). That is, the subject disclosure of the present invention in U.S. Patent 6,818,310 is not by another, and withdrawal of the foregoing rejection is respectfully requested.

Claims 1, 2, 7, 8 and 10-13 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent 6,497,783 to Suzuki et al. Claims 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al.¹

Applicants respectfully traverse for the following reasons.

Suzuki et al simply discloses a plasma-treating apparatus using microwaves, and does not disclose or suggest forming a metal oxide film in two distinct steps which comprise executing a low power glow discharge to thereby form a first CVD film on the surface of the substrate and executing a high power glow discharge so as to form a second CVD film on the first CVD film, which are essential aspects of the present invention. Because Suzuki et al does not disclose the claimed two-step method, the present claims define novel subject matter.

With respect to the underlying rejection under 35 U.S.C. §103(a), the method of the present invention forms a silicon oxide film materially different from that of the prior art.

¹ The undersigned believes that the rejection is based on U.S. Patent 6,497,783 to Suzuki et al and not U.S. Patent 7,170,027 to Kurashima et al.

Namely, as discussed at page 12 of the specification, the silicon oxide film has so far been formed by executing the glow discharge with a high output. Consequently, the organosilicon compound reacts at once to form SiO. The resulting silicon oxide film lacks flexibility and poorly adheres to the substrate, and the gas-barrier property is compromised

To the contrary, according to the present invention, a low power glow discharge is first executed so as to form a polymer of an organosilicon compound near the surface of the substrate. As a result, an organic component rich in carbon stemming from the polymer is formed on the surface of the substrate. In the subsequent high power glow discharge, a silicon oxide layer of high density is formed to thereby establish the excellent gas-barrier property.

There is nothing in Suzuki et al which would lead one skilled in the art to execute a low power glow discharge so as to carry out a reaction chiefly between organometals contained in the treatment gas and thereby form a first CVD film on the surface of the substrate, and then executing a high power glow discharge so as to react the organometal with the oxidizing gas to thereby form a second CVD film on the first CVD film as required by the present claims.

Withdrawal of the foregoing rejections and allowance of claims 2-16 and 27 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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Respectfully submitted,



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